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HAROLD H. BAER
U.S. DISTRICT JUDGE
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February 26, 2008

VIA FACSIMILE (212)-805-7901

The Honorable Harold Baer
United States District Judge
Daniel Patrick Moynihan
500 Pearl Street, Room 2230
New York, NY 10007USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3-6-08Re: Gustavo Bermudez v. City of New York Police Department, et al.
Docket No.: 1:07-cv-9537 (HB)

Dear Judge Baer:

This letter shall confirm that we have scheduled a hearing pursuant to 18 U.S.C. §983(e), Motion to Set Aside Forfeiture for April 1, 2008 at 2:00 p.m.

Meanwhile, plaintiff has been served with a Motion to Dismiss by both defendants, Drug Enforcement Agency (DEA) and City of New York Police Department (NYPD). I respectfully request that plaintiff be afforded an enlargement of time to respond to defendants' Motion to Dismiss because of my strict discovery schedule in the matter of Session v. Rodriguez, et al., Docket No. 3:06-cv-00943 between now and March 26, 2008 in the U.S. District of Connecticut. I am the only civil litigator in a small law firm of three attorneys.

In addition, defendant NYPD has requested the Court order sanctions and costs pursuant to Rule 11 of the Federal Rules of Civil Procedure on the grounds that "plaintiff failed to conduct a reasonable inquiry concerning the allegations in the complaint and proceeded with claims that have no chance of success under the controlling case law." Contrary to defendant NYPD's making such a conclusory statement, the plaintiff did in fact make a reasonable inquiry and expects to obtain several affidavits from plaintiff's witnesses, including a former NYPD detective and a current judge.

Our objection to DEA's motion was due on February 27, 2008 and objection to NYPD's motion is due on March 4. We have discussed the scheduling problems above with counsel, who also share a similarly tight schedule.

There is no objection to our request for an enlargement of time, however, attorney David Hazen has requested our brief against the NYPD be filed prior to the §983(e) Hearing (defendant NYPD need not participate in the hearing).

Accordingly, we are respectfully requesting that the Court grant our request for an enlargement of the plaintiff's time to respond to NYPD's Motion to Dismiss until March 28 and DEA's motion until April 15.

Respectfully Submitted,

Karen L. Mayer

Karen L. Mayer

Federal Juris No. KLM

KLM/sr

cc: David M. Hazan, Esq.

Philip S. Frank, Esq.

Sharon E. Frase, Esq.

I'm a little overboard as to why your strict discovery schedule is stricter in Conn than the schedule here. Nevertheless I have a schedule of my own and will be on time or scheduled to be for much of April or either stick to the schedule or be overruled - but it will be a long time if I can't fit you in in Med April or if you are not ready when I call w an open moment.

SO ORDERED:

Harold Baer, Jr.
Harold Baer, Jr., U.S.D.J.

Date: 3/5/08

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I'm a little unclear as to why your "strict discovery schedule" is stricter in Connecticut than the schedule here. Nonetheless I have a schedule of my own and will be on trial or, scheduled to be for much of April so either stick to the schedule or be surprised. But it will be a long time if I can't fit you in in mid-April or if you are not ready when I call with an open moment.